



Charter of the United Nations (Sanctions — Cote d'Ivoire) Regulations 2005¹

Select Legislative Instrument 2005 No. 97

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Charter of the United Nations Act 1945*.

Dated 25 May 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs

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Part 1 Introductory

1 **Name of Regulations**

These Regulations are the *Charter of the United Nations (Sanctions — Cote d'Ivoire) Regulations 2005*.

2 **Commencement**

These Regulations commence on the day after they are registered.

3 **Object**

The object of these Regulations is to assist in giving effect to Resolution 1572 by restricting the supply of arms and related matériel, and the provision of assistance, advice and training related to military activities to Cote d'Ivoire.

4 **Extra-territorial operation of Regulations**

These Regulations have extra-territorial operation according to their terms.

5 **Definitions**

In these Regulations:

Australian aircraft means an aircraft registered in Australia under the *Civil Aviation Act 1988*.

Australian ship means a ship registered in Australia under the *Shipping Registration Act 1981*.

Committee means the Committee established under paragraph 14 of Resolution 1572.

engage in conduct means do an act or omit to perform an act.

Linac-Marcoussis Agreement has the same meaning as in Resolution 1572.

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Resolution 1572 means Resolution 1572 (2004) of the Security Council of the United Nations, adopted on 15 November 2004.

UNOCI means the United Nations Operation in Cote d'Ivoire.

Part 2 Restriction on supply of arms etc

6 Application of Part

This Part applies to a person in Australia or a citizen of Australia who is outside Australia.

7 Restriction on sale of arms etc

- (1) A person must not engage in conduct that assists, or results in, the sale or supply of arms or related matériel to a person or body in Cote d'Ivoire.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply in relation to the sale or supply of an item of arms or related matériel if:
- (a) the item is sold or supplied to UNOCI or the supporting French forces; or
 - (b) the item is non-lethal military equipment intended solely for humanitarian or protective use; or
 - (c) the item is protective clothing, including flak jackets and military helmets, temporarily exported to Cote d'Ivoire by a member of United Nations personnel, a representative of the media or a humanitarian or development worker for personal use; or
 - (d) the item is temporarily exported to Cote d'Ivoire for the use of a State that is taking action in accordance with international law solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Cote d'Ivoire, as notified in advance to the Committee; or

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- (e) the item is supplied solely for support of, or use in, the process of restructuring defence and security forces under subparagraph 3 (f) of the Linas-Marcoussis Agreement, and the supply is approved in advance by the Committee.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

8 Restriction on provision of technical assistance etc

- (1) A person must not engage in conduct that assists, or results in, the provision of assistance, advice or training relating to military activities to a person or body in Cote d'Ivoire.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply in relation to the provision of assistance, advice or training:

- (a) that:

- (i) consists of technical assistance and training relating to the supply of non-lethal military equipment intended solely for humanitarian or protective use; or

- (ii) is provided solely to assist the process of restructuring defence and security forces under subparagraph 3 (f) of the Linas-Marcoussis Agreement;

if the provision of the assistance, advice or training is approved in advance by the Committee; or

- (b) that consists of technical assistance for UNOCI or the supporting French forces.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part 3 Restriction on use of Australian aircraft and ships

9 Use of Australian aircraft and ships for supply of arms etc

- (1) The owner, pilot in command or operator of an Australian aircraft must not allow the aircraft to be used in a way that assists, or results in, the sale or supply of arms or related matériel to a person or body in Cote d'Ivoire.

Penalty: 50 penalty units.

- (2) The owner, master or operator of an Australian ship must not allow the ship to be used in a way that assists, or results in, the sale or supply of arms or related matériel to a person or body in Cote d'Ivoire.

Penalty: 50 penalty units.

- (3) Subregulations (1) and (2) do not apply in relation to the sale or supply of an item of arms or related matériel if:
- (a) the item is sold or supplied to UNOCI or the supporting French forces; or
 - (b) the item supplied is non-lethal military equipment intended solely for humanitarian or protective use; or
 - (c) the item supplied is protective clothing, including flak jackets and military helmets, temporarily exported to Cote d'Ivoire by a member of United Nations personnel, a representative of the media or a humanitarian or development worker for personal use; or
 - (d) the item is temporarily exported to Cote d'Ivoire for the use of a State that is taking action in accordance with international law solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Cote d'Ivoire, as notified in advance to the Committee; or

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- (e) the item is supplied solely for support of, or use in, the process of restructuring defence and security forces under subparagraph 3 (f) of the Linas-Marcoussis Agreement, and the supply is approved in advance by the Committee.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.